

OCT 22 2008

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THE SHEEK LAW FIRM

ATTORNEY AND COUNSELOR AT LAW

C. LANCE SHEEK, ESQ

PRODUCT LIABILITY DEPT.

October 16, 2008

OCT 22 2008

DeWalt Industrial Tool Co.
710 E. Joppa Road TW425
Baltimore, MD 21286

ATTORNEY-CLIENT/WORK PRODUCT
COMMUNICATIONS

RE: Thomas E. McCranie v Dewalt Industrial Tool Co.
C.A. No.: 08-CP-24-794

Dear Sir or Madam:

Please find enclosed and served upon you an Summons and Complaint along with a Certificate of Service in the above referenced action.

If you have any questions, please feel free to contact me.


Katrina S. Davis, Paralegal

611 Montague Avenue Greenwood, South Carolina 29646
Phone-(864) 227-6134 Fax-(864) 227-6836

Exhibit A

STATE OF SOUTH CAROLINA)
COUNTY OF GREENWOOD)
Thomas E. McCranie,)
Plaintiff)
v.)
DeWalt Industrial Tool Co.,)
Defendant,)
_____)

IN THE COURT OF COMMON PLEAS

EIGHTH JUDICIAL CIRCUIT

PRODUCT LIABILITY DEPT.

OCT 22 2008

**ATTORNEY-CLIENT/WORK PRODUCT
COMMUNICATIONS**

CERTIFICATE OF SERVICE

06-CP-24-283

The undersigned of The Sheek Law Firm, does hereby certify that on the 16th day of
October, 2008, she served the Summons and Complaint in the above referenced action by
mailing the same in the U.S. Mail, Greenwood, South Carolina, to:

Dewalt Industrial Tool Co.
710 E. Joppa Road TW425
Baltimore, SC 21286

THE SHEEK LAW FIRM

K. Davis
BY: Katrina Davis, Paralegal
611 Montague Avenue
Greenwood, SC 29646
Phone: (864) 227-6134
Fax: (864) 227-6836

Greenwood, South Carolina

October 16, 2008

STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

Thomas E. McCranie,

Plaintiff(s)

vs.

DeWalt Industrial Tool Co.,

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2008-CP - 24-794

(Please Print)

Submitted By: C. Lance Sheek

Address: 611 Montague Ave., Greenwood, SC, 29646

SC Bar #: 65396

Telephone #: 864 227 6134

Fax #: 864 227 6836

Other:

E-mail: sheeklaw@yahoo.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☒ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|---|--|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
<input type="checkbox"/> Notice/ File Med Mal (230)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Libel (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input checked="" type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Wrongful Death (360)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Other (799) | Administrative Law/Relief
<input type="checkbox"/> Reinstatement Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture-Petition (840)
<input type="checkbox"/> Forfeiture-Consent Order (850)
<input type="checkbox"/> Other (899) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Administrative Law Judge (980)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex /Other
<input type="checkbox"/> Environmental (600) <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Unfair Trade Practices (640)
<input type="checkbox"/> Medical (620) <input type="checkbox"/> Out-of State Depositions (650)
<input type="checkbox"/> Other (699) <input type="checkbox"/> Sexual Predator (510) | | | |

Submitting Party Signature:



Date: 7-18, 2008

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
COUNTY OF GREENWOOD)

IN THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT
C.A. No: 08-CP-24-744

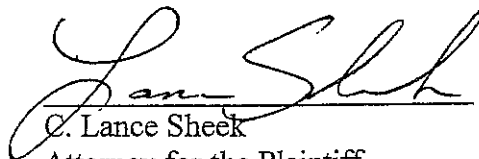
Thomas E. McCranie,)
Plaintiff,)
vs.)
DeWalt Industrial Tool Co.,)
Defendant.)

SUMMONS

TO: THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this Complaint upon the subscriber at his office, 611 Montague Avenue, Greenwood, South Carolina, 29646, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

THE SHEEK LAW FIRM



C. Lance Sheek
Attorney for the Plaintiff
611 Montague Avenue
Greenwood, SC 29646
(864) 227-6134
(864) 227-6836 fax

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	EIGHTH JUDICIAL CIRCUIT
COUNTY OF GREENWOOD)	C.A. No: 08-CP-24-794
Thomas E. McCranie,)	
Plaintiff,)	
)	COMPLAINT
vs.)	(jury trial demanded)
)	
DeWalt Industrial Tool Co.,)	
Defendant.)	

COMES NOW the Plaintiff above named, complaining of the Defendant herein, and would respectfully allege and show unto this Honorable Court as follows:

1. That the Plaintiff is a citizen and resident of the County of Greenwood, State of South Carolina.
2. That upon information and belief, the Defendant is a corporation organized and existing under the laws of one of the United States and conducting business in the County of Greenwood, State of South Carolina.
3. That the Defendant, as a part of its business operations, designs, manufactures and sales various industrial tools including, but not limited to, framing nailers commonly referred to as "nail guns"
4. That the nail guns manufactured by the Defendant are intended to have various safety features to prohibit the tool from expelling a nail unintentionally.
5. That on or about July 21, 2005, the Plaintiff was using a framing nailer manufactured and placed in the stream of commerce by the Defendant.
6. That on or about July 21, 2005, while using the framing nailer, the safety features of the tool failed causing the tool to expel a nail unintentionally and unexpectedly striking the Plaintiff in the abdomen.

7. That the nail so expelled did enter the abdomen of the Plaintiff causing the Plaintiff to suffer serious and painful injuries.

8. That the Plaintiff was forced to seek and undergo medical treatment for the injuries he received when the framing nailer malfunctioned.

**FOR A FIRST CAUSE OF ACTION
(Negligence)**

9. That the Defendant was negligent in, but not limited to, the following:

a. In failing to design sufficient safety features to prohibit the tool from accidentally or unintentionally expelling a nail, and;

b. In failing to install sufficient safety features to prohibit the tool from accidentally or unintentionally expelling a nail, and;

c. In placing such a dangerous device in the stream of commerce, and;

d. In failing to properly warn the Plaintiff of the dangers of operation of the device, and;

e. In failing to properly ensure that dangerous devices were recalled once the dangerous condition was discovered.

10. That as a direct and proximate result of the negligence of the Defendant, the Plaintiff suffered significant personal injury, pain, suffering and economic loss.

**FOR A SECOND CAUSE OF ACTION
(Gross Negligence)**

11. That upon information and belief, the Defendant was aware of the dangerous condition of the device prior to the time of the Plaintiff's injury.


12. That the Defendant, knowing that the device may likely cause serious bodily injury, failed to take adequate steps to warn and inform the Plaintiff or to remove the device from the stream of commerce.

13. That as a direct and proximate result of the Defendant's gross negligence, the Plaintiff suffered injuries as hereinabove described.

WHEREFORE, having fully complained, the Plaintiff prays that this Court grant unto him relief as follows:

- a. That he be granted actual damages for the Defendant's negligence, and;
- b. That he be granted actual and punitive damages for the Defendant's gross negligence, and;
- c. For such other and further relief as this Court may deem just and proper.

THE SHEEK LAW FIRM



C. Lance Sheek

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